44448

K-Mart

BILL NO. X-79-04-12

ANNEXATION ORDINANCE NO. X-03-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5.

WHEREAS, the owners of the territory described below have petitioned that the territory be annexed to the City; and,

WHEREAS, it is the desire of the City of Fort Wayne to annex the territory described below; and,

WHEREAS, the territory described below is contiguous to the corporate limits;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COULCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

PARCEL A

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning on the east line of said quarter-quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1915.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along said east line 715.42 feet to the southeast corner of said quarter-quarter section; thence North 89 degrees 41 minutes 41 seconds West along the south line of said quarter-quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East 715.78 feet; thence South 89 degrees 39 minutes 16 seconds East parallel with the north line of said quarter-quarter section 500.00 feet to the point of beginning, containing 8.214 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

PARCEL B

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning at the northeast corner of said quarter-quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing)

1315.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along the east line of said quarter-quarter section 600.00 feet; thence North 89 degrees 39 minutes 16 seconds West parallel with the north line of said quarter-quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East parallel with the east line of said quarter-quarter section 600.00 feet to the north line of said quarter-quarter section; thence South 89 degrees 39 minutes 16 seconds East along said north line 500.00 feet to the point of beginning, containing 6.887 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

A part of Section 36, Township 30 North, Range 12 East, Allen County, Indiana described as follows: All of the Southeast Quarter of the Northwest Quarter of said section containing 39.762 acres, more or less.

EXCEPT: Beginning Northerly 82.4 feet along the west line of said quarter-quarter section from the southwest corner of said quarter-quarter section; thence continuing Northerly 385.0 feet along said west line; thence Easterly 228 feet perpendicular to said west line; thence Southerly 385.0 feet parallel with said west line; thence Westerly 228 feet perpendicular to said west line to the point of beginning and containing 2.015 acres, more or less.

EXCEPT: Parcel A, as described above.

EXCEPT: Parcel B, as described above.

Containing after said exceptions 22.646 acres, more or less.

AND

The North 400 feet of the Northeast Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 12.091 acres, more or less.

AND

The North 400 feet of the East 400 feet of the East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 3.673 acres, more or less.

The total area containing approximately 53.511 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above-described territory, within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said

described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 5 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor and final publication, this ordinance shall be in full force and effect.

Councilperson

APPROVED AS TO FORM:

Kenneth L. Scrogham
Associate City Attorney

APPROVED AS TO FORM
AND LEGALITY
CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Haye, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) ~~and Public Hearing to be held after due legal notice, at the Council Chambers~~, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock _____ M., E.S.T.

DATE: 4-24-79

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Burns, and duly adopted, placed on its passage.

PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	7	0		2	
BURNS	X				
HINGA	X				
HUNTER	X				
MOSES	X				
NUCKOLS				X	
SCHMIDT, D.	X				
SCHMIDT, V.				X	
STIER	X				
TALARICO	X				

DATE: 6-12-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (GENERAL) (ANNEXATION) (~~SPECIAL~~) (APPROPRIATION) ORDINANCE (~~RESOLUTION~~) No. X-03-79 on the 12th day of June, 19 79

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winfield C. Moses JR
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 19 79, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 14th day of June, 19 79 at the hour of 8:30 o'clock A. M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. X-79-04-12

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5 (SOUTHTOWN MALL)

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do PASS.

JAMES S. STIER - CHAIRMAN

WILLIAM T. HINGA - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JOHN NUCKOLS

SAMUEL J. TALARICO

6-12-79 CONCURRED IN

DATE CHARLES W. WESTERMAN, CITY CLERK

Memorandum

To City Council Members Date May 23, 1979

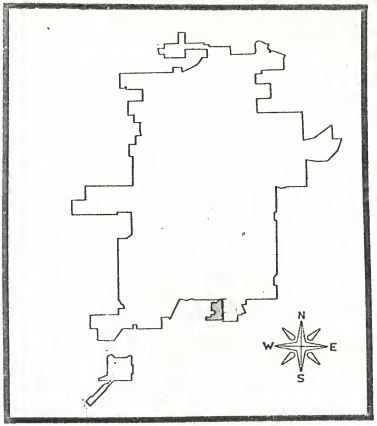
From John Stafford CD&P

Subject Southtown Mall Extended Voluntary Annexation

COPIES TO:

W. Moses
Paul Burns
William Hinga
F. Hunter
J. Nuckols
D. Schmidt
V. Schmidt
James Stier
S. Talarico

Attached is a resolution from the City Plan Commission recommending that the proposed voluntary annexation of Southtown Mall Extended, Bill No. X-79-04-12, receive a DO PASS. A copy of the petition for voluntary annexation and of the fiscal plan are also attached. Our staff will be available to answer your questions on this matter.



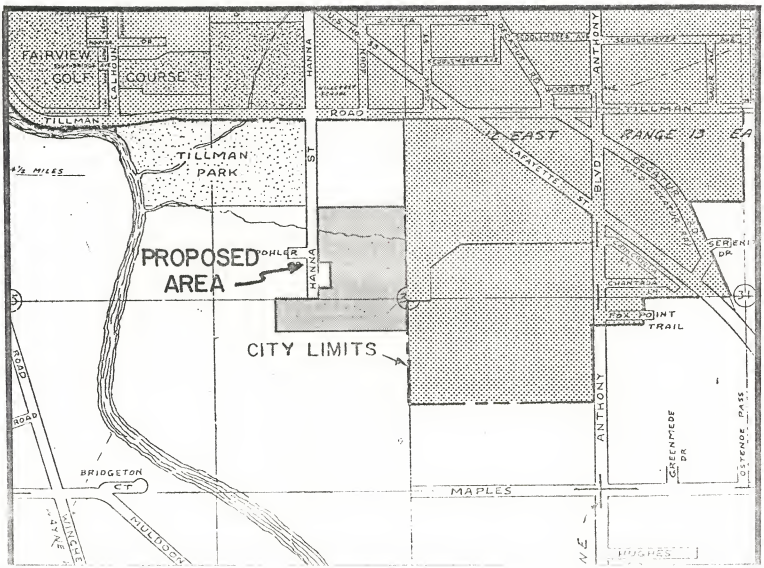
SOUTHTOWN MALL-EXTENDED

BILL NO. X-79-04-12

ORDINANCE NO.

EFFECTIVE DATE

CITY OF FORT WAYNE
C.D. & P.



INTRODUCTION

The Fort Wayne community continues to grow every year, with most of the growth occuring outside the existing city limits. St. Joseph Township alone is expected to increase by more than 25,000 people between 1970 and 1990. As the community grows, the City must also grow in order to be financially capable of providing the municipal services demanded by residents of the urbanized areas. Annexation, or the redefinition of corporate limits, is one method a city may employ to keep up with the growth occurring in the community and insure the economic well-being of the city and its residents.[1]

The Southtown Mall Extended annexation area, located south of the City, is needed by Southtown Mall for future expansion. The Mall serves the growing Fort Wayne community and will continue to do so after it is enlarged. The existing Mall area is within the City, as is most of the area to be included in a planned expansion. However, part of the expansion area is not in the City, nor is the land designated by the developer for future development.

The developer has proposed a voluntary annexation under I.C. 18-5-10-23. The proposed area is contiguous to the City. Annexation would eventually help the City's tax base. More importantly, annexation allows the City Plan Commission to have jurisdiction over the entire Mall and eases the delivery of municipal services, especially emergency services such as police and fire protection. Without annexation, service duplication and confusion as to jurisdiction are likely.

At this time, the land to be annexed is vacant. The developers of Southtown Mall have submitted to the City Plan Commission plans for expansion of the Mall. They have also designated the remainder of the annexation land for some sort of future development under the Mall's B2 Shopping Center Symbol.

The following report describes the area, sets forth a municipal service plan, summarizes the financial impact of annexation upon the City, and recommends a course of action. No assumptions are made as to the nature of the possible future development. (See Map I) Since Mall expansion plans are currently before the City Plan Commission they are used in the report for the data base.

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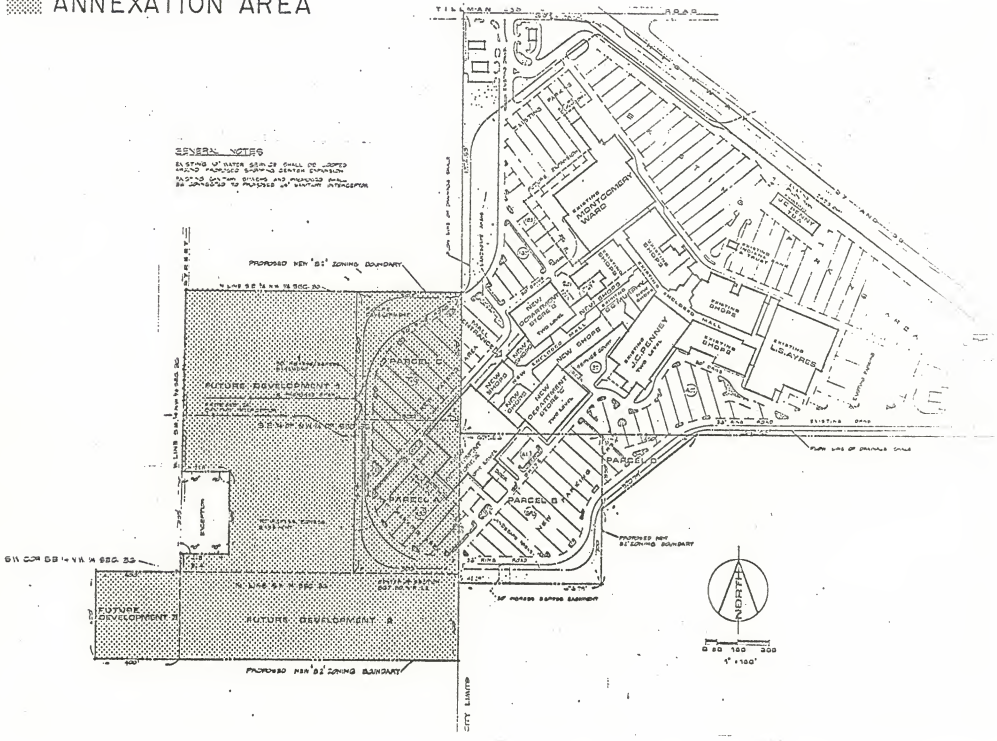
1. Annexation: Policy and Program Study, Community Development and Planning, 1976.

MAP I

SOUTHTOWN MALL EXPANSION

ANNEXATION AREA



BASIC DATA

1. Location

   South of Fort Wayne and immediately West of Southtown Mall in Wayne Township.

2. Size

   53.5 Acres

3. Population/Density

   There are no dwelling untis in the annexation area. Therefore, there is no residential population.

4. Buildings

   The land is currently vacant. In the plans for the Mall's expansion, part of one building will be in the annexation area. This will be a commercial structure and should be in good to excellent condition.

5. Land Use

   Currently the entire area is vacant. After the Mall is expanded a small portion, about one-half of a large department store, will be in the territory. Roughly 15 acres or less will be used for parking. The rest of the 53.5 acre annexation area is set for an undetermined future development and could remain vacant for several years.

6. Zoning

   The entire area is zoned RA with a B2 Shopping Center Symbol.

7. Planning

   At this time, the annexation area is vacant. It is needed for the proposed and possible future development of the Mall and therefore, of the urbanized area. Thus, the land is needed for Fort Wayne's future development and is thirty percent (30%) contiguous to the corporate limits.

Annexation allows for growth in the City's tax base, single planning jurisdiction for the entire Mall, and a more efficient provision of municipal services, such as police and fire protection, and emergency medical service.

MUNICIPAL SERVICES

State law requires that within three (3) years of annexation, the City provides the annexed area with "governmental and proprietary services substantially equivalent in standard and scope" to the services provided similar areas in the City. (I.C. 18-5-10-25 (c)). This report contains a fiscal plan for doing so.

In 1970 the Fort Wayne City Council adopted Resolution No. R-83-70 (Bill No. R-70-07-24) that set forth a policy for providing services to newly annexed areas. This plan follows the directives of Resolution R-83-70 while conforming to existing laws, rules and regulations.

Municipal services are analyzed in terms of the needs of the Southtown Mall Extended annexation area and the costs of providing the services to the area. As required by Indiana law, services will be provided in a manner that treats the annexation area the same way as similar areas in the City are treated. Services will be at City standard, and, where necessary for items such as new street lighting, the standard service provision process will be used just as it is used elsewhere in the City of Fort Wayne.

The City of Fort Wayne will provide police and fire protection, emergency medical service, traffic control, solid waste collection, and street and road maintenance immediately upon annexation. New streets and roads, street lighting and other capital improvements will be provided in acordance with standard procedures. The same applies to sanitary and storm sewer service and water service.

All the following service reports are based on the current development pattern in the area. Plans for the Mall's expansion are currently being reviewed. Much of the territory is designated for an unspecified future development. All of the area is under a shopping center symbol.

No assumptions are made as to the timing of the future development, or its character, even though some sort of commercial development is most likely.

1. Police

The Fort Wayne Police Department will become responsible for servicing the Southtown Mall Extended area immediately upon annexation. This service generally includes the prevention and detection of criminal activity, the apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day to day conflicts among family, friends, and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is also involved in legal work such as participation in court proceedings and protection of constitutional guarantees. Furthermore, it is responsible for the control of traffic and the promotion and preservation of civil order.

Providing police protection to this area will not create a measurable cost. The Police Department will have almost all of the Mall area within its jurisdiction apart from this annexation the area to be added includes part of one building, parking area and 35 acres to 40 acres of vacant ground that is likely to remain that way for some time. Even without annexation the Police Department would probably be covering the area, since it would be almost impossible to decide if calls for emergency service were in the small portion of the area remaining outside the City.

Local taxes, through the General Fund, will pay for any costs that do evolve.

2. Fire

The Fort Wayne Fire Department will provide service to the area immediately upon annexation. First response will come from Station #12 on South Anthony. The Fire Department is already serving Southtown Mall and the annexation will add vacant ground, a parking lot, and part of one store. As with Police service, it is virtually impossible to determine how much additional cost this would entail. Afterall, the Fire Department will be serving nearly the entire Mall without annexation. And in emergencies, would respond to all calls from the Mall. Finally, there are not reliable methods for estimating potential calls from part of a store and a parking lot.

The future development areas will receive service as needed. Until they are developed, that need should be negligible. The timing and extent of that future development cannot be predicted so not costs are set out.

In summary, operating costs will be paid for with General Fund monies, but these costs due to annexation are projected as being nill.

3. Emergency Medical Service (EMS)

Upon annexation, people in the Southtown Mall Extended territory will have, at their convenience, full time Emergency Medical Services. This includes ambulance coverage and first aid treatment to victims of heart attacks, automobile and other accidents, and to others requiring immediate medical attention. On certain runs, the Fort Wayne Fire Department will provide extra assistance.

Response time will be within the acceptable range and should be the same as that for the rest of Southtown Mall.

EMS will be serving all of Southtown and this annexation adds vacant ground, a parking lot, and part of one store. No cost estimates are possible for basically the same reasons as apply to police and fire protection. Still full service will be available to the area should an emergency occur. Funding will be from the General Fund.

Again, no effort is being made to predict costs from unknowable development in the future development areas.

4. Solid Waste Collection

There will be no cost to the City for solid waste collection as service is not provided to commercial structures and there are no residential units in the area.

5. Traffic Control

All costs will be borne by the developer as there are no public road right-of-ways in the annexation area itself.

6. Street Lighting

As the City does not have public road right-of-way in the annexation area, there will be no public street lighting expenses. The Street Lighting Engineer will review the lighting installed in the outside public areas of the Mall expansion and make sure that lighting, for the parking lots, for example, meets City standards. Installation, maintenance and energy costs will be borne by the developer.

All lighting in the future development area will be paid for by the developer with City review of specifications.

7. Streets and Roads

There will be no public streets in the annexation area so no services will be provided within the area. Access off of the public streets (Hanna) into the future development areas will be reviewed by public bodies, but no improvement costs should be incurred.

8. Parks

No parks will be provided. There are no residents in the area and the land ownership and use is not appropriate for developing a park.

FORT WAYNE UTILITIES

Water and Sewer services will be provided the area by City Utilities. These services are paid for with user charges and tap fees and not through Civil City tax revenues.

1. Water

The proposed Mall extension will be served by City Utilities water mains installed at City standard and paid for by the developer.

When the future development area is developed it can be served by extending a main along Hanna Street from Tillman Road if it is determined to be needed. The developer of the land in the annexation area will pay all on-site costs. That means that in this case, all water utility costs in the annexation area itself will be the responsibility of the developer. City Utilities has a 16" main on Tillman and a 12" extension along Hanna Street could be needed once the nature of the future development is established.

2. Fire Hydrants

Adequate fire hydrants to serve the Mall extension, and the part within the annexation area, will be required of the developer. The same applies to the future development area when it is developed.

As it now stands, Southtown Mall will be responsible for the costs involved with hydrants associated with the Mall itself. Since there are no hydrants in the future development area at the time, there are no rental costs to the city.

3. Sewers

A 24" sanitary interceptor will be constructed under City Utilities' supervision to serve the Mall extension and areas to the west all the way to the St. Mary's River. This interceptor will be available for development that takes place in the future development areas. On site costs will be paid by the developers. No tax money will be used for this sewer, so annexation does not add any utility costs for the Civil City.

4. Storm Drainage

Drainage from the proposed parking lots will be by way of a surface drainage easement which will lead to a proposed ditch running through the future development area. All drainage facilities will be built by the developers at their cost and must conform to City standards and requirements. Maintenance responsibility for the Mall expansion has yet to be determined. No costs to the Civil City are anticipated.

FINANCIAL SUMMARY

Since much of the area is about to be transformed by construction, current assessed values do not accurately measure what can be reasonably expected in the near future. Also, the future development area will be assessed a higher rate in the next assessment because the land was recently rezoned.

The land is currently assessed at roughly $100 per acre. Therefore, total assessed value is in the vicinity of $5300. But, this will be rendered too low once the Mall expansion takes place. Without development, tax revenue would be 3.90 x 53 = $206 a year.

Since there are no annual costs involved in serving the area, the City will gain a minimum of $206 a year from this annexation.

Once the Mall expansion is completed the costs could go up slightly, but revenue will go up significantly.

It is the position of this plan that costs and revenues can not be calculated for the future development area. The exact nature and timing of the development is unknown at this time and speculation for this summary is unwarranted. Interestingly though, experience shows that there is a net gain of revenue over cost to the City from commercial areas. And, commercial development at some time is the most probable for the future development areas.

SUMMARY and RECOMMENDATION

1. Indiana Annexation Statutes

As a voluntary annexation the area comes under I.C. 18-5-10-23. Since the area is contiguous, and over 51% of the owners of the land, 100% in fact, have petitioned for annexation, annexation of the territory is legal.

The area also meets the future development criteria of I.C. 18-5-10-25 by being more than 25% contiguous with the City on its aggregate external boundaries and needed for future development of the City. Southtown Mall Extended is 30% contiguous and is clearly needed for future development as evidenced by the Southtown Mall Expansion proposal before the City Plan Commission.

Under IC 18-5-10-25 a fiscal plan for annexation is required. The law states that,

> "The annexing City has developed a fiscal plan and has established a definite policy to furnish the territory to be annexed within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope" to those provided to similar areas within the City.

This plan includes a plan for doing so and is supported by Common Council Resolution R-83-70.

2. Fort Wayne's Annexation Policy

The Fort Wayne City Council has considered having other annexation criteria in addition to those set forth by the State Statutes:

A. The area proposed for annexation must have a unity of interest with the municipality.

Southtown Mall is already in the City. Most of the expansion also will be. City Utilities is providing necessary services and the City Plan Commission is reviewing the Mall's development plans. City residents do use the Mall for shopping.

B. The advantages to the proposed annexation area must outweigh the disadvantages.

The Mall will benefit from being in one planning jurisdiction and having emergency services provided by the City only instead of by the City, County, and Township. Taxes will however, be higher once the area is annexed.

C. The advantages to the City must outweigh the disadvantages.

The City would grow along with the urban area, thereby providing a strong tax base and the ability to provide adequate services. Also, planning jurisdiction will be clearer. The cost of extension of services is modest.

D. The deficit of income against expenses to the City must not be unreasonable.

At this time there will be a modest surplus of income to expenses. When the Mall is expanded this will increase.

E. The City must desire to annex the area.

The Southtown Mall Extended area is a part of the Fort Wayne Urban area. Singular planning jurisdiction and efficiency in providing services are desirable for the City.

It is with careful thought and consideration that the Department of Community Development and Planning recommends that this area be annexed to the City of Fort Wayne, as it meets both the legal and local criteria for an acceptable and beneficial annexation.

3/15/79

RECEIVED
MAR 19 1979
FORT WAYNE CITY
PLAN COMMISSION

PETITION FOR VOLUNTARY ANNEXATION

The undersigned, being all of the owners in fee simple of the hereinafter described real estate, hereby respectfully petition the Common Council of the City of Fort Wayne, State of Indiana, for voluntary annexation to the City of Fort Wayne in the State of Indiana, said real estate being described as follows:

PARCEL A

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning on the east line of said quarter-quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1915.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along said east line 715.42 feet to the southeast corner of said quarter-quarter section; thence North 89 degrees 41 minutes 41 seconds West along the south line of said quarter-quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East 715.78 feet; thence South 89 degrees 39 minutes 16 seconds East parallel with the north line of said quarter-quarter section 500.00 feet to the point of beginning, containing 8.214 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

PARCEL B

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Parcel C

Beginning at the northeast corner of said quarter-quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1315.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along the east line of said quarter-quarter section 600.00 feet; thence North 89 degrees 39 minutes 16 seconds West parallel with the north line of said quarter-quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East parallel with the east line of said quarter-quarter

ADAIR, PERRY, BEERS, MALLERS & LARMORE, ATTORNEYS, FORT WAYNE, INDIANA

16 seconds East along said north line 500.00 feet to the point of beginning, containing 6.887 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

A part of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, described as follows: All of the Southeast Quarter of the Northwest Quarter of said section containing 39.762 acres, more or less.

EXCEPT: Beginning Northerly 82.4 feet along the west line of said quarter-quarter section from the southwest corner of said quarter-quarter section; thence continuing Northerly 385.0 feet along said west line; thence Easterly 228 feet perpendicular to said west line; thence Southerly 385.0 feet parallel with said west line; thence Westerly 228 feet perpendicular to said west line to the point of beginning and containing 2.015 acres, more or less.

EXCEPT: Parcel A, as described above.

EXCEPT: Parcel B, as described above.

Containing after said exceptions 22.646 acres, more or less.

AND

FUT Dev 2

The North 400 feet of the Northeast Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 12.091 acres, more or less.

AND

FUT Dev 3

The North 400 feet of the East 400 feet of the East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 3.673 acres, more or less.

SOUTHTOWN MALL DEVELOPMENT COMPANY

By: Melvin Simon, General Partner

[illegible]

By:

James J. Schenkel,
Vice President

ADAIR, PERRY, BEERS, MALLERS & LARMORE, ATTORNEYS, FORT WAYNE, INDIANA

R E S O L U T I O N

of the

CITY PLAN COMMISSION

WHEREAS, the City Plan Commission reviewed proposed annexation ordinance Bill No. X-79-04-12, and fiscal plan on May 21, 1979;

WHEREAS, all of the owners of the property in the territory proposed to be annexed have petitioned for annexation of the territory;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that the advantages to the City should outweigh the disadvantages in that the City should continue to realize a normal and active growth. This annexation will be in the best interest of and a benefit to the area involved and of and to the City; and the annexation will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the City Plan Commission proposes that Bill No. X-79-04-12 be effective immediately;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted as the meeting of the Fort Wayne City Plan Commission held May 21, 1979.

Thomas H. Adams

Thomas Adams
Secretary

Certified and signed this 21st day of May, 1979.

4448

DIGEST SHEET

TITLE OF ORDINANCE Southtown Mall Extended Annexation X-79-04-12

DEPARTMENT REQUESTING ORDINANCE Community Development and Planning

SYNOPSIS OF ORDINANCE Ordinance annexes territory to the City. It describes the territory, stipulates that municipal services are to be provided the area, and states the City's intention to follow the annexation fiscal plan to be prepared by CD & P and the City Plan Commission.

EFFECT OF PASSAGE Territory is annexed to the City and becomes a part of the City. Other effects to be described by the annexation fiscal plan.

EFFECT OF NON-PASSAGE Territory is not annexed to the City and does not become a part of the City.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) To be described by the annexation fiscal plan.

ASSIGNED TO COMMITTEE

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

June 14, 1979

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of June 19 and June 26, 1979, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. X-79-04-12
Annexation Ordinance No. X-03-79
Southtown Mall

Please send us six (6) copies of the Pulbisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 12th day of June, 19 79, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. X-79-04-12 X-03-79 Annexation Ordinance, to-wit:

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-79 passed by the Common Council on the 12th day of June, 19 79, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of June, 19 79 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of June, 19 79.

Charles W. Westerman

CHARLES W. WESTERMAN
CITY CLERK

SEAL

ORIGINAL

BILL NO. X-79-04-12

ANNEXATION ORDINANCE NO. X-03-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5.

WHEREAS, the owners of the territory described below have petitioned that the territory be annexed to the City; and,

WHEREAS, it is the desire of the City of Fort Wayne to annex the territory described below; and,

WHEREAS, the territory described below is contiguous to the corporate limits;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COULCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

PARCEL A

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning on the east line of said quarter-quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1915.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along said east line 715.42 feet to the southeast corner of said quarter-quarter section; thence North 89 degrees 41 minutes 41 seconds West along the south line of said quarter-quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East 715.78 feet; thence South 89 degrees 39 minutes 16 seconds East parallel with the north line of said quarter-quarter section 500.00 feet to the point of beginning, containing 8.214 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

PARCEL B

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning at the northeast corner of said quarter-quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing)

1315.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along the east line of said quarter-quarter section 600.00 feet; thence North 89 degrees 39 minutes 16 seconds West parallel with the north line of said quarter-quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East parallel with the east line of said quarter-quarter section 600.00 feet to the north line of said quarter-quarter section; thence South 89 degrees 39 minutes 16 seconds East along said north line 500.00 feet to the point of beginning, containing 6.887 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

A part of Section 36, Township 30 North, Range 12 East, Allen County, Indiana described as follows: All of the Southeast Quarter of the Northwest Quarter of said section containing 39.762 acres, more or less.

EXCEPT: Beginning Northerly 82.4 feet along the west line of said quarter-quarter section from the southwest corner of said quarter-quarter section; thence continuing Northerly 385.0 feet along said west line; thence Easterly 228 feet perpendicular to said west line; thence Southerly 385.0 feet parallel with said west line; thence Westerly 228 feet perpendicular to said west line to the point of beginning and containing 2.015 acres, more or less.

EXCEPT: Parcel A, as described above.

EXCEPT: Parcel B, as described above.

Containing after said exceptions 22.646 acres, more or less.

AND

The North 400 feet of the Northeast Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 12.091 acres, more or less.

AND

The North 400 feet of the East 400 feet of the East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 3.673 acres, more or less.

The total area containing approximately 53.511 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above-described territory, within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said

described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 5 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor and final publication, this ordinance shall be in full force and effect.

Councilperson

APPROVED AS TO FORM:

Kenneth L. Scrogham
Associate City Attorney

APPROVED AS TO FORM
AND LEGALITY.
CITY ATTORNEY

Read the third time in full and on motion by Stier, seconded by Burns, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Seven
Burns, Hinga, Hunter, Moses, D. Schmidt, Stier, Talarico
Nays: None
Absent: Two
Nuckols, V. Schmidt

Date: 6-12-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-03-79 on the 12th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of June, 1979, at the hour of 8:30 o'clock A.M.,E.S.T.

Robert E. Armstrong
Mayor

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council of the City of Ft.Wayne

(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

Notice is hereby given that on the 12th day of June, 1979, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the Bill No. X-79-04-12 following X-03-79 Annexation ordinance, to wit: BILL NO. X-79-04-12 ANNEXATION ORDINANCE NO. X-03-79 AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5.

WHEREAS, the owners of the territory described below have petitioned that the territory be annexed to the City; and,

WHEREAS, it is the desire of the City of Fort Wayne to annex the territory described below; and,

WHEREAS, the territory described below is contiguous to the corporate limits;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to wit:

PARCEL A

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning on the east line of said quarter quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1915.43 feet from the northeast corner of said North west Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along said east line 715.42 feet to the southeast corner of said quarter-quarter section, thence North 89 degrees 41 minutes 41 seconds West along the south line of said quarter quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East 715.78 feet; thence South 89 degrees 39 minutes 16 seconds East parallel with the north line of said quarter-quarter section 500.00 feet to the point of beginning, containing 8.214 acres, more or less, subject to all legal highways, rights of way and easements.

AND

PARCEL B

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

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AND

A part of Section 36, Township 30 North, Range 12 East, Allen County, Indiana described as follows: All of the Southeast Quarter of the Northwest Quarter of said section containing 39.762 acres, more or less.

EXCEPT: Beginning Northerly 82.4 feet along the west line of said quarter quarter section from the southwest corner of said quarter-quarter section, thence continuing Northerly 385.0 feet along said west line thence Easterly 228 feet perpendicular to said west line, thence Southerly 385.0 feet parallel with said west line; thence Westerly 228 feet perpendicular to said west line to the point of beginning and containing 2.015 acres, more or less.

EXCEPT: Parcel A, as described above.

EXCEPT: Parcel B, as described above.

Containing after said exceptions 22.646 acres, more or less.,

AND

The North 400 feet of the North-east Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 12.091 acres, more or less.

AND

The North 400 feet of the East 400 feet of the East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 3.673 acres, more or less.

The total area containing approximately 53.511 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above-described territory, within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 5 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor and final publication, this ordinance shall be in full force and effect

James Stier
Councilperson

Read the third time in full and on motion by Stier, seconded by Burns, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Seven Burns, Hinga, Hunter, Moses, D. Schmidt, Stier, Talarico

Nays: None

Absent: Two Nuckols, V. Schmidt

Date: 6-12-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-30-79 on the 12th day of June, 1979. ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 1979, at the hour of 8:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of June, 1979, at the hour of 8:30 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-79 passed by the Common Council on the 12th day of June, 1979, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of June, 1979 and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of June, 1979.

Charles W. Westerman
City Clerk

SEAL

6—19-26

79

OPY OF
ENT HERE

PUBLISHER'S CLAIM

al lines, neither of which shall total more than four solid lines
e advertisement is set) — number of equivalent lines

217

2

219

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$ 58.72

Size of type 5½ point

Size of quad upon which type is cast 5½

67.

ct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Arvilla DeWald

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

6/19 - 6/26/79

Arvilla DeWald

Subscribed and sworn to before me this 26th day of June 19 79

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council of the City of Ft.Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	
Body	number of lines	217
Tail	number of lines	2
	Total number of lines in notice	219

COMPUTION OF CHARGES

219 lines, 1 cents per line columns wide equals 219 equivalent lines at .259 $ 56.72

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra copies @.50 2.00

TOTAL AMOUNT OF CLAIM. $ 58.72

DATA FOR COMPUTING COST

Width of single column 9.9 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

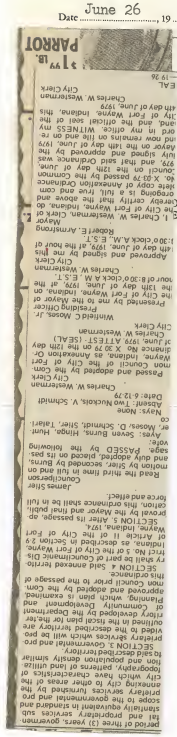
Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date June 26, 19 79

Title CLERK



PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

6/19 - 6/26/79

Arvilla DeWald

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Notary Public

My commission expires September 28, 1979

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V. E. Gerken

Date June 26 79 Title CLERK

Notice is hereby given that on the 12th day of June, 1979, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the Bill No. X-79-04-12 following X-03-79 Annexation ordinance, to-wit: BILL NO. X-79-04-12 ANNEXATION ORDINANCE NO. X-03-79 AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5.

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WHEREAS, the territory described below is contiguous to the corporate limits;

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SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

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Beginning on the east line of said quarter quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1915.43 feet from the northeast corner of said North-west Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along said east line 715.62 feet to the southeast corner of said quarter quarter section; thence North 89 degrees 41 minutes 41 seconds West along the south line of said quarter-quarter section 300.00 feet; thence North 00 degrees 00 minutes 11 seconds East 715.78 feet; thence South 89 degrees 39 minutes 16 seconds East parallel with the north line of said quarter-quarter section 300.00 feet to the point of beginning, containing 8.214 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

PARCEL B

A part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 30 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Beginning at the northeast corner of said quarter quarter section, South 00 degrees 00 minutes 11 seconds West (assumed bearing) 1316.43 feet from the northeast corner of said Northwest Quarter Section; thence South 00 degrees 00 minutes 11 seconds West along the east line of said quarter quarter section 600.00 feet; thence North 89 degrees 39 minutes 16 seconds West parallel with the north line of said quarter quarter section 500.00 feet; thence North 00 degrees 00 minutes 11 seconds East parallel with the east line of said quarter-quarter section; thence South 89 degrees 39 minutes 16 seconds East parallel with the north line of said quarter-quarter section 200.00 feet to the point of beginning, containing 6.887 acres, more or less, subject to all legal highways, rights-of-way and easements.

AND

A part of Section 36, Township 30 North, Range 12 East, Allen County, Indiana described as follows: All of the Southeast Quarter of the Northwest Quarter of said section containing 39.762 acres, more or less.

EXCEPT: Beginning Northerly 82.4 feet along the west line of said quarter quarter section from the southwest corner of said quarter quarter section; thence continuing Northerly 385.0 feet along said west line; thence Easterly 228 feet perpendicular to said west line; thence Southerly 385.0 feet parallel with said west line; thence Westerly 228 feet perpendiculer to said west line to the point of beginning and containing 2.015 acres, more or less.

EXCEPT: Parcel A, as described above.

EXCEPT: Parcel B, as described above.

Containing after said exceptions 22.646 acres, more or less.

AND

The North 400 feet of the Northeast Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 12.091 acres, more or less.

AND

The North 400 feet of the East 400 feet of the East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, containing 3.673 acres, more or less.

The total area containing approximately 53.511 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above-described territory, within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

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SECTION 4. Said annexed territory shall be part of Councilmanic District No. 5 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor and final publication, this ordinance shall be in full force and effect.

James Stier
Councilperson

Read the third time in full and on motion by Stier, seconded by Burns, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Seven Burns, Hinga, Hunter, Moses, D. Schmidt, Stier, Telerico

Nays: None

Absent: Two Nuckols, V. Schmidt

Date: 6-12-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-30-79 on the 12th day of June, 1979. ATTEST: (SEAL)
Charles W. Westerman
City Clerk

Wintield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 1979, at the hour of 8:30 o'clock A.M., E.S.T.
Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of June, 1979, at the hour of 8:30 o'clock A.M., E.S.T.
Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-79 passed by the Common Council on the 12th day of June, 1979, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of June, 1979 and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of June, 1979.
Charles W. Westerman
City Clerk

SEAL

6—19.26

Form 903

AFFIDAVIT

I, a notary public in and for said county and state, the undersigned GERKEN who, being duly sworn, says that he is CLERK of the ..... newspaper of general circulation printed and published in the FORT WAYNE, INDIANA

that the printed matter attached hereto is a true copy, which was published in said paper for two times, the dates of publication being

26 th day of June 19 79

Notary Public

My commission expires October 28, 1979

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Common Council of the City of Ft.Wayne
(Governmental Unit)

Allen County, Ind.

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines		
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TOTAL AMOUNT OF CLAIM. $ 58.72

DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, afrer allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date June 26 79

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undesigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

6/19 - 6/26/79

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Form 903

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The total area containing approximately 53.511 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above-described territory, within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary sarvices furnished by the annaxing city to other areas of the city which heve characteristics of topography, patterns of land utilization and population deensity similar to said described territory.

SECTION 3. Govermental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said ennexed territory shall be part of Councilmenic District No. 5 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor and final publication, this ordinance shall be in full force and effect.

James Stier
Councilperson

Read the third time in full and on motion by Stier, seconded by Burns, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Seven Burns, Hinga, Hunter, Moses, D. Schmidt, Stier, Talarico

Nays: None

Absent: Two Nuckols, V. Schmidt

Date: 6-12-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-30-79 on the 12th day of June, 1979. ATTEST: (SEAL)
Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 1979, at the hour of 8:30 o'clock A.M., E.S.T.
Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of June, 1979, at the hour of 8:30 o'clock A.M., E.S.T.
Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-79 passed by the Common Council on the 12th day of June, 1979, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of June, 1979 and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of June, 1979.

Charles W. Westermen
City Clerk

SEAL

6—19-26

Form 903

STATE OF INDIANA) VIT
) SS:
COUNTY OF ALLEN)

Before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that he is the CLERK of the ..... newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA that the printed matter attached hereto is a true copy, which was published by the said newspaper for two times, the dates of publication being 6-19-26

V. E. Gerken

Subscribed and sworn to before me this 26 th day of June 19 79

Notary Public

My commission expires October 28, 1979

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Common Council of the City of Ft.Wayne
(Governmental Unit)

Allen County, Ind.

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head number of lines	
Body number of lines	217
Tail number of lines	2
Total number of lines in notice	219

COMPUTION OF CHARGES

219 lines, 1 columns wide equals 219 equivalent lines at .259 cents per line $ 56.72

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra copies @.50 2.00

TOTAL AMOUNT OF CLAIM. $ 58.72

DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date June 26, 19 79

V. E. Gerken

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city/town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

6/19 - 6/26/79

V. E. Gerken

Subscribed and sworn to before me this 26 th day of June 19 79

Harry [signature]
Notary Public

My commission expires September 28, 1979

Form 903